## NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Aerial Feral Hog Control Permits

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to promulgate rules and regulations governing the taking of feral hogs using a helicopter.

## **Title 76**

## WILDLIFE AND FISHERIES

# PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 1. Wild Quadrupeds

## §1XX. Aerial Feral Hog Control Permits

# A. Purpose

1. The purpose of this section is to establish regulations concerning the use of aircraft to aid in the control of feral hogs. The regulations provide and establish general rules regarding permit requirements, reporting requirements, landowner authorization, and safety training.

# B. Definitions

Aerial Hog Control Permit—a permit issued by LDWF to locate, pursue, take, harass, or kill feral hogs by using an aircraft

Applicant—An individual, partnership, or corporation who files an application for an Aerial Hog Control Permit

Department or LDWF—the Louisiana Department of Wildlife and Fisheries.

Gunner—an individual who uses a firearm to shoot or attempt to shoot feral hogs pursuant to an Aerial Hog Control Permit

Landowner's Authorization—signed consent from the landowner or the landowner's agent

Observer—any person other than the pilot or gunner who is on board an aircraft while feral hog control measures are being taken pursuant to an Aerial Hog Control Permit.

Permittee—any individual who has obtained a valid Aerial Hog Control Permit

*Pilot*—an individual who pilots an aircraft to locate, pursue, take, harass, or kill feral hogs pursuant to an Aerial Hog Control Permit.

*Possess*—in its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.

Qualified landowner or landowner's authorized agent—a person who contracts to be a gunner or observer and who has not:

 a. been convicted of a class II or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years;

- b. been convicted of a felony in Louisiana or another state; or
- c. been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act)

*Take*—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

## C. Permits

- 1. An Aerial Feral Hog Control (AFHC) permit authorizes the permittee to utilize a helicopter to locate, pursue, take, harass, or kill feral hogs.
- 2. It shall be unlawful for any person to use a helicopter to locate, pursue, take, harass, or kill feral hogs without an AFHC permit.
- 3. Possession of an AFHC permit does not exempt the permit holder from other local, state, or federal rules, laws, or permit requirements.
  - 4. Permits are not transferrable.

## D. Permit Requirements

- 1. Application for an Aerial Feral Hog Control (AFHC) permit shall be made on an official application form provided by the Department. AFHC permits will be valid for the calendar year in which issued and will expire on December 31 of each year.
- 2. A permit may be issued in the name of an individual, partnership, or corporation for named pilots to locate, pursue, take, harass, or kill feral hogs by the use of an aircraft.
  - 3. Application for a permit shall include:

- a. Name, address, and phone number of applicant;
- b. If applicant is an individual, the birth date, Federal Aviation

  Administration (FAA) Certificate number, and driver's license number of the applicant;
- c. Name, address, driver's license number, FAA license number, and date of birth for each individual pilot; and
  - d. Make, model, color, and registration number of each aircraft to be used.
- 4. Anyone who has been convicted of a Class II or greater wildlife violation in Louisiana, or the equivalent in another state within the past five (5) years, has been convicted of a felony in Louisiana or another state, or been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act) shall not be eligible for an AFHC permit.
- 5. The application must contain a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless for liability as a result of issuing an AFHC permit. AFHC permits will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries that occur during or as a result of activities related to the AFHC permit.

#### E. Landowner's Authorization

Prior to participation in permitted activities, a permit holder must submit to
 LDWF a Landowner's Authorization form (LOA) for each contiguous and non-contiguous piece
 of property on which feral hog control activities will be performed.

- 2. A Landowner's Authorization form will be made on an official application form provided by the Department and shall include:
- a. the name, mailing address, driver's license number, and phone number of the landowner;
- b. the name, mailing address, driver's license number, and phone number of the authorized landowner's agent, if applicable;
  - c. the name and permit number of the permittee;
  - d. a description and specific location of the property, including acreage; and
  - e. justification for why feral hogs should be controlled by use of a helicopter
- 3. A Landowner's Authorization for feral hog control will be valid for the duration of the permit, unless:
  - a. that permit expires without renewal or is revoked;
  - b. the landowner's authorization specifies a time limit; or
  - c. the landowner requests in writing to LDWF and the permittee that authorization be withdrawn.
- 4. A single LOA form may be submitted by a group of landowners or by an association on behalf of such landowners. In the case of a group submission, the Landowner's Authorization form must have an attached list of participating landowner names, phone numbers, mailing addresses, physical addresses of the properties, and acreages for each participating

landowner. The justification for control will be for the entirety of the properties listed on the form.

- 5. Property outlined in an LOA must exceed 1000 acres to be eligible for feral hog control activities under an AFHC permit.
- 6. If a LOA is approved by LDWF, a unique control number will be issued to identify the property and LOA in permit activities.
- 7. AFHC permit activities may not commence on a property until a LOA control number has been assigned by LDWF and received by the permittee.
- F. Landowner's Authorization to Appoint Subagents
- 1. A permittee may contract with a qualified landowner or landowner's authorized agent to act as a gunner or observer in the location, pursuit, taking, harassing or killing of feral hogs from a helicopter, provided that the permittee possesses a valid, properly obtained LOA describing the activity.
- 2. A landowner with a valid LOA number can allow an AFHC permit holder to appoint subagents to act as gunners or observers during permit activities, provided that the landowner or the landowner's authorized agent has completed a Landowner's Authorization to Appoint Subagents (LAAS) form. Such forms shall be made on an official application form provided by the Department and shall include:
  - a. the name, mailing address, and phone number of the landowner;

- b. the name, mailing address, and phone number of the authorized landowner's agent, if applicable;
  - c. the name and permit number of the permittee;
  - d. LOA number;
  - e. physical address of the property referenced by the LOA number;
- f. signatures and dates of agreement to the terms by the landowner or landowner's authorized agent and the permittee; and
  - g. time limit for the LAAS, if desired.
  - 3. LAAS forms will be valid for the duration of the permit, unless:
    - a. that permit expires without renewal or is revoked;
    - b. if the LAAS specifies a time limit; or
  - c. if a landowner requests in writing to the permittee that authorization be withdrawn.
- 4. AFHC permit holders will be responsible for completion of LAAS forms, and will maintain completed LAAS forms in perpetuity.
- LAAS forms will be made available for inspection upon demand by LDWF personnel.

# F. General Rules

- 1. A holder of an AFHC permit is authorized to engage in feral hog control by the use of an aircraft only on land described in the Landowner's Authorization (LOA).
- 2. The AFHC permit shall be carried in the aircraft when performing feral hog control activities using an aircraft.
- 3. The permit is only valid for the taking of feral hogs from a helicopter. Taking any wildlife or animals other than feral hogs is strictly prohibited.
- 4. A pilot of an aircraft used for feral hog control must maintain a daily flight log and report as detailed below. The daily flight log must be up-to-date and made available for inspection upon demand of LDWF employees.
- 5. A pilot of an aircraft must possess and maintain a valid pilot's license as required by the FAA.
- 6. All pilots and permittees must comply with FAA regulations for the specific type of aircraft listed in the permit.
- 7. The permit holder may only use an aircraft to take feral hogs that are causing verifiable damage to land, structures, crops, water, or livestock, domestic animals, or human life.
- 8. An AFHC permit holder may only take feral hogs that are located on property outlined in the LOA. It is prohibited to fire shots over property not included in the LOA. It is prohibited to fire upon, haze, harass, or track any animals, including feral hogs, located on property not listed in the LOA.

- 9. Any activities performed under this permit must occur during daylight hours, from one half hour before official sunrise to one half hour after official sunset.
  - 10. An AFHC permit is not to be used for sport hunting.
- 11. All observers and gunners must successfully complete a four hour safety training held by the permittee prior to participating in AFHC permit activities. Safety training must include aspects of:
  - a. Aircraft safety procedures
  - b. Target and non-target animal identification
  - c. Firearm safety
  - d. Emergency procedures
- 12. Attendance at a safety training course will allow a gunner or observer to participate in AFHC permit activities for 90 days after successfully completing the class.
- 13. Permittee must report violations of these regulations by pilots, observers, gunners, or ground personnel during AFHC activities to LDWF within 24 hours of occurrence of the violation.
- 14. Any unreported violation of AFHC regulations by a pilot, gunner, or observer may result in immediate and permanent loss of this permit and possible criminal prosecution.
- G. Reporting and Renewal Requirements

- 1. A report of activities completed under this permit shall be required within 30 days of the end of each calendar quarter. Additionally, a report of activities completed under this permit shall be required when submitting a request for permit renewal or upon termination of the permit. This report shall be completed on official forms provided for this purpose by LDWF, and consist of daily flight log sheets, showing:
  - a. name, permit number, and signature of permit holder
  - b. number of feral hogs managed under the permit
  - c. Landowner's Authorization control number issued by LDWF
  - d. dates of flight
  - e. time of day an authorized flight begins and is completed
  - f. type of management taken by use of aircraft
  - g. name, pilot's license number, and signature of pilot
  - h. name and address of gunner(s) and observer(s)
- i. date that safety training was successfully completed by observer(s) and gunner(s)
- 2. Application for renewal of an AFHC permit must be submitted to LDWF no later than 45 days prior to expiration of the permit and AFHC permits will not be renewed until all renewal requirements are received.

3. If no flights were taken during the calendar quarter, a negative daily flight log and report must be submitted to LDWF.

## H. Penalties for Violation

Unless another penalty is provided by law, violation of these regulations will be a Class Two violation as defined in Title 56 of the Louisiana Revised Statutes. In addition, upon conviction for violation of these regulations, the AFHC permit associated with the permittee may be revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112B

In accordance with Act No. 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue its Family Impact Statement in connection with the preceding Notice of Intent.

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

The proposed rulemaking will have no impact on providers as described in HCR 170 of 2014.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule to Camille Warbington, Post Office Box 98000, Baton Rouge, LA 70898-9000, or <a href="mailto:cwarbington@wlf.la.gov">cwarbington@wlf.la.gov</a> prior to August 30, 2014.

Billy Broussard

Chairman